

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JUSTIN W. STAPLETON,

Plaintiff,

v.

Case No. 21-C-124

FRANCISCO SANTOS, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Justin Stapleton is currently serving a state prison sentence at Green Bay Correctional Institution and representing himself. He is proceeding on a deliberate indifference claim against two officers who allegedly laughed at him and ignored his cries for help after he slipped in his cell and hit his head. On February 7, 2022, Defendants filed a motion for summary judgment. On April 26, 2022, the Court ordered Stapleton to “file his materials in response to Defendants’ summary judgment motion by May 25, 2022.” The Court explained that if it did not receive his materials by the deadline, the Court would accept all facts asserted by Defendants as undisputed and decide the motion without Stapleton’s input. Dkt. No. 76.

On May 24, 2022, the day before the deadline to respond, Stapleton filed a declaration in which he explained that he gave his response materials to the mailroom on May 20, 2022, to mail to opposing counsel. He asserts that the mailroom mailed the documents on May 22 or 23, 2022. Despite Stapleton being housed at an e-filing institution, the Court has not received his response materials. On June 1, 2022, Defendants’ counsel confirmed in a letter that Stapleton mailed documents to her, but she notes that the documents do not appear to be complete because they do

not include the referenced exhibits. It is not clear why Stapleton mailed the documents to Defendants' counsel. He has been informed multiple times that he must file his pleadings, motions, responses to motions, and other papers *with the Court*. The Court cannot resolve motions if it does not have the responding party's materials.

Accordingly, Stapleton must file his response materials *with the Court* no later than **June 23, 2022**, by submitting his materials to institution staff who will scan and e-mail the materials to the Court pursuant to the Prisoner E-Filing Program. As the Court explained in the scheduling order, Stapleton does "not need to mail copies to . . . the defendants. The defendants will be served electronically through the court's case filing system." Dkt. No. 19 at 2. If, despite instructions to the contrary, Stapleton mailed his only copy of his response materials to opposing counsel, he should ask opposing counsel to return them to him so he can properly file them.

SO ORDERED at Green Bay, Wisconsin this 2nd day of June, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge